

Message Text

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ORIGIN OES-04

INFO OCT-01 EA-06 ISO-00 EPA-01 CEQ-01 COME-00 L-02 AID-05

CEA-01 CIAE-00 EB-07 EUR-12 FRB-01 INR-05 IO-10

NEA-06 NSAE-00 RSC-01 OPIC-03 SP-02 TRSE-00 CIEP-01

LAB-04 SIL-01 SWF-01 OMB-01 SS-15 NSC-05 H-01 DOTE-00

HUD-01 HEW-02 STR-01 INT-05 AGR-05 NSF-01 COA-01

DODE-00 PM-03 FEAE-00 /116 R

DRAFTED BY OES/ENP/EN:HBENGELSDORF;EF

APPROVED BY OES/ENP/EN:LGRANT

EPA/OIA:WLLOYD

COMMERCE:CJOHNSON

EPA/OIA:ACARAKER

L/OES:JCROOK

CEQ:LSLAWECKI

EA/J:CDUNKERLEY

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P 171807Z DEC 74

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO PRIORITY

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E.O. 11652: NA

TAGS: SENV, US, JA

SUBJECT: U.S.-JAPANESE ENVIRONMENTAL ACCORD

REF: (A) TOKYO 15949; (B) STATE 261253; (C) STATE 077399

1. DEPARTMENT SHARES EMBASSY'S EVIDENT DESIRE TO BRING
LONG-STANDING DIALOGUE WITH GOJ ON SUBJECT ACCORD TO A
CLOSE, IN THE HOPE THAT WE CAN FINALLY REACH AGREEMENT.
ACCORDINGLY, EMBASSY IS AUTHORIZED TO ACCEPT SUBPARA 1
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OF GOJ ARTICLE 6, THEIR VERSION OF ARTICLE 8 AND THEIR

ARTICLE 9, WHICH CONFORMS TO OUR JOINT ENERGY R AND D FORMULATION. IT SHOULD BE NOTED THAT OUR LATEST TEXTUAL SUGGESTIONS CONCERNING THESE SPECIFIC ARTICLES WERE DESIGNED TO CONTRIBUTE TO THE CLARITY AND LEGAL PRECISION OF THESE SECTIONS, AND WE HAVE DOUBTS WHETHER THEY REALLY WOULD GIVE THE JAPANESE ANY SERIOUS DIFFICULTY. MOREOVER, WE STILL WISH TO CONVEY OUR OTHER POINTS IN STATE 261253 AND DECIDEDLY WISH TO PRESS OUR PROPOSAL FOR PARA 2 OF ARTICLE 6 TO MAKE SURE ALL SIGNIFICANT PROPRIETARY INFORMATION IS COVERED AND EMBASSY WILL RECALL THAT THIS IS NOT A NEW POINT ON OUR PART AS EVIDENCED IN OUR EARLIER STATE 077399. ALSO, THE POSITION WE ARE TAKING RE THIS MATTER IS ENTIRELY CONSISTENT WITH PARA 2 OF ARTICLE 6 OF

THE US-GOJ ENERGY R&D ACCORD WHICH TALKS IN TERMS OF "THE DISPOSITION OF PATENTS, DESIGNS AND OTHER INDUSTRIAL PROPERTY, ETC." THIS LATTER ALTERNATE FORMULA TO WHICH GOJ ALREADY HAS AGREED WOULD BE EQUALLY ACCEPTABLE TO US AS AN ALTERNATIVE TO OUR FORMULATION AS CONTAINED IN PARA 5 OF STATE 261253.

2. WE ALSO CONTINUE TO ASCRIBE CONSIDERABLE IMPORTANCE TO SEEING THE OECD PRINCIPLES REFERRED TO IN THE BODY OF THE AGREEMENT. WE REGARD THIS AS FAR PREFERABLE TO HAVING THEM REFERRED TO IN AN ACCOMPANYING MINUTE AS GOJ IS SUGGESTING. IN ADDITION TO THE PAST ARGUMENTS WITH WHICH THE EMBASSY IS FAMILIAR, IN THE PREPARATIONS FOR THE RECENT OECD MINISTERIAL MEETING CONCERNING THE ENVIRONMENT, THE U.S. WENT TO GREAT PAINS TO SPONSOR AN ACTION PROPOSAL ON THE POLLUTER PAYS PRINCIPLE, ACCEPTABLE TO JAPAN, THAT WOULD RECOGNIZE HER PARTICULAR PROBLEMS, AND THAT WOULD REMOVE HER FROM A FAST DEVELOPING POSITION OF ISOLATION IN OECD. WE WOULD HOPE THIS POSITIVE STANCE ON OUR PART WOULD INDUCE THE GOJ TO ACCEPT OUR FORMULATION FOR STATE 261253.

3. DEPARTMENT WOULD HOPE GOJ WOULD NOW BE ABLE TO AGREE WITH US ON FINAL TEXT SO THAT WE CAN NOW JOINTLY AGREE ON APPROPRIATE OCCASION FOR SIGNATURE. EMBASSY MAY WISH LIMITED OFFICIAL USE

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TO POINT OUT TO GOJ THAT U.S. BELIEVES THAT THE OBJECTIVE OF ENDEAVORING TO STRIVE FOR AN APPROPRIATE HARMONIZATION OF U.S. AND GOJ ENVIRONMENTAL STANDARDS HAS BEEN PRESERVED IN AGREEMENT AND IS IMPLICIT IN THE GOJ PROPOSAL TO ESTABLISH A JOINT PLANNING AND COORDINATING COMMITTEE. KISSINGER

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